

### **Remarks**

Claims 1-32, 36 and 39-63 are pending in the application. By this response, claims 1, 23, 36, 44 and 52-56 are amended. Applicants respectfully request reconsideration and allowance of the application.

### **Statement of Substance of Interview**

The Applicant thanks the Examiner for the courtesies extended at the in-person interview conducted on Tuesday, October 16, 2007. During the interview, the Applicants' representatives and the Examiner agreed that neither Lunsford *et al.* nor Kubo *et al.* teach or suggest a remote control device which receives audio input at a microphone of the remote control device and forwards the audio input to the mobile communication device for transmission to the network based communication service, as recited in the claims.

### **35 U.S.C. § 101 CLAIM REJECTIONS**

Claims 52-55 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 52-55 have been amended in accordance with the Examiner's suggestions and it is believed that the rejection has been overcome. Accordingly the Applicant requests withdrawal of the rejection.

### **35 U.S.C. § 103 CLAIM REJECTIONS**

Claims 1-2, 8-19, 21-24, 28-31, 36, 38, 42-46 and 50-57 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lunsford *et al.* (Pub. No: 2002/0065041) in view of Kubo *et al.* (Pub. No: 20040067784). The Applicant traverses this rejection and respectfully asserts that Lunsford *et al.* and Kubo *et al.* do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.

With specific regard to claims 1, 23, 36, 44, 52, 54 and 56, the cited references do not disclose receiving an audio input at a microphone of the remote control device

and forwarding the audio input to a mobile communication device for transmission to the network-based communication service as do the claims.

The Examiner agreed, during the interview of October 16, 2007, that neither Lunsford *et al.* or Kubo *et al.* disclose the limitations. Thus for at least the foregoing reason claims 1, 23, 36, 44, 52 and 56 define over the cited art.

Claims 2, 8-19, and 21 depend from claim 1. Claims 24 and 28-31 depend from claim 23. Claim 38 is canceled, and claims 42-43 depend from claim 36. Claims 45-46 and 50-51 depend from claim 44. Claim 53 depends from claim 52. Claim 55 depends from claim 54, and claim 57 depends from claim 56. Therefore claims 2, 8-19, 21, 24, 28-31, 42-43, 45-46, 50-51, 53, 55 and 57 also define patentable subject matter. Accordingly, the Applicant respectfully requests withdrawal of the rejection.

Claims 3-5, 25-27, 34, 39-41, 47-49 and 58-61 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lunsford *et al.* in view of Kubo *et al.* and further view of Holt *et al.* (Pub. No. 20050113074). The Applicant traverses this rejection and respectfully asserts that Lunsford *et al.*, Kubo *et al.* and Holt *et al.* do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.

The defects of Lunsford *et al.* and Kubo *et al.* already discussed with respect to claims 1, 23, 33, 36, 44, and 56 are not cured by Holt *et al.* The Office Action cites to Holt as disclosing, "the method wherein the voice-controlled service is a voice information service, the voice information service enabling a user to use information retrieval at a network server", "the method wherein the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server" and "the method wherein the network-based communication service is an automatic communication service that does not require voice commands". Holt *et al.* does not disclose receiving an audio input at a microphone of the remote control device and forwarding the audio input to a mobile communication device for transmission to the network-based communication service. Accordingly, as dependent claims of independent claims 1, 23, 36 44 and 56, claims 3-

5, 25-27, 34, 39-41, 47-49 and 58-61 define over the cited. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 6-7 and 62-63 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lunsford *et al.* in view of Kubo *et al.* further in view of Holt *et al.* and further in view of Cheung (Pub. No 2004/0024647). The Applicant traverses this rejection and respectfully asserts that Lunsford *et al.*, Kubo *et al.*, Holt *et al.* and Cheung do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.


Claims 6-7 and 62-63 depend from claims 1 and 56 respectively. The deficiencies of Lunsford *et al.*, Kubo *et al.* and Holt *et al.* regarding claims 1 and 56 already discussed are not cured by Cheung. The Office Action cites to Cheung as disclosing, "the method wherein accessing the automated communication service results in an automatic playing of a prerecorded message" and "the method wherein accessing the automated communication service results in an automatic registering of a vote". Cheung does not disclose receiving an audio input at a microphone of the remote control device and forwarding the audio input to a mobile communication device for transmission to the network-based communication service. For at least the foregoing reason, claims 1 and 56 define over the cited art and as dependent claims of claims 1 and 56, claims 6-7 and 62-63 also define patentable subject matter. Accordingly the Applicant respectfully requests withdrawal of the rejection.

**Conclusion**

Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4226 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

  
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Dated: December 3, 2007

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